

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOYCE HORMAN, et al.,

Plaintiffs,

v.

HENRY KISSINGER, et al.

Defendants

Civil Action No. 77-1748

AFFIDAVIT BY THE DIRECTOR OF CENTRAL INTELLIGENCE

STANSFIELD TURNER, being first duly sworn, deposes  
and says:

1. I am the Director of Central Intelligence and have  
served in that office since 9 March 1977.

2. As the Director of Central Intelligence, I am  
the executive head of the Central Intelligence Agency  
("CIA"). The CIA was established by the National Security  
Act of 1947 (50 U.S.C. § 403, et seq.), as was the position  
of Director of Central Intelligence.

3. Pursuant to section 102 (d) of the National Security  
Act of 1947 (50 U.S.C. § 403 (d)), it is the responsibility  
of the CIA to perform intelligence functions relating  
to the national security of the United States under the  
direction of the National Security Council. The particularized  
authorities of the CIA are also set forth in section 1-8 of  
Executive order 12036 which was issued by the President on  
January 24, 1978.

APPROVED FOR RELEASE

DATE: Jun. 2, 1980

4. To protect the sensitive clandestine or covert foreign intelligence or counterintelligence activities of this Agency, section 102 (d) (3) of the National Security Act of 1947 (50 U.S.C. § 403 (d) (3)) provides, in pertinent part, that "...the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." In a similar vein, section 6 of the CIA Act of 1949 (50 U.S.C. § 403g) provides that "...in the interest of the security of the foreign intelligence activities of the United States...the Agency shall be exempted from...the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency."

5. The representations set forth in this Affidavit are based upon my discussions with CIA personnel who are knowledgeable about the activities described herein and upon my personal review and appraisal of the documents and information that are the subject of the claim of privilege hereby asserted.

6. In response to this litigation and in response to legislative interest in the facts and circumstances surrounding the death of Charles Horman in Chile, a search of the appropriate records and records indices of this Agency was undertaken, and appropriate CIA personnel were consulted. This inquiry failed to detect any information indicating that this Agency or any of its employees participated in or had advance knowledge of the abduction and subsequent death of Charles Horman.

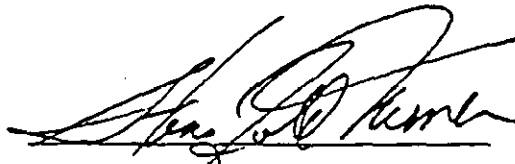
7. The documents originated by the Department of State that are at issue in this litigation do, however, contain information relating to intelligence sources and methods that is exempt from disclosure pursuant to the National Security Act of 1947 (50 U.S.C. § 403 (d) (3)) and the CIA Act of 1949 (50 U.S.C. § 403g). These documents contain information relating to sensitive intelligence activities conducted abroad by CIA, the disclosure of which would be detrimental to the operational activities of this Agency and to the national security of the United States.

8. I have executed a classified In Camera Affidavit and Claim of Privilege in response to this litigation. That Affidavit, which is classified Secret, formally asserts privilege with respect to the disclosure of information contained in the State Department documents that are the subject of this litigation. The classified Affidavit outlines, in detail, the bases for the claims of privilege. More specifically, that Affidavit asserts the information contained in these State Department documents is subject both to the state secrets privilege and to the statutory privilege arising from the provisions of the following two statutes:

- (a) Section 102 (d) (3) of the National Security Act of 1947, 50 U.S.C. § 403 (d) (3) which makes the Director of Central Intelligence responsible for the protection of intelligence sources and methods from unauthorized disclosure; and

(b) Section 6 of the CIA Act of 1949, 50 U.S.C. § 403g which exempts the CIA from the provisions of any other law that might otherwise require the disclosure or publication of the organization, functions, names, official titles, salaries or numbers of personnel employed.

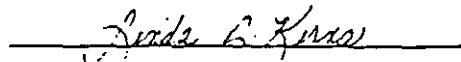
9. I have personally reviewed the State Department documents containing information, the disclosure of which, would result in the compromise of intelligence sources and methods. I have personally reviewed the matters and appraised the information as to which the claims of privilege are asserted in my classified In Camera Affidavit and I have personally determined that those claims, which I now assert in this Affidavit are appropriate under the circumstances.

  
STANSFIELD TURNER

Director of Central Intelligence  
Washington, D.C. 20505

County of Fairfax           )  
                                      )  
Commonwealth of Virginia )

Subscribed and sworn to before me this 14<sup>th</sup> day of July 1980.

  
Notary Public

My commission expires July 24, 1983